

AGENDA BILL APPROVAL FORM

Agenda Subject: Addendum to Lease Agreement between the City and VRFA		Date: April 29, 2009
Department: Human Resources	Attachments: Resolution No. 4482	Budget Impact: \$0
Administrative Recommendation: City Council adopt Resolution No. 4482.		
Background Summary: The City and the VRFA entered into that certain Lease dated August 18, 2008 for use of the Fire Stations. For the purpose of this Addendum, all terms defined in the Lease have the same meaning in this Addendum. The VRFA, as part of its Capital Improvement Plan, intends to make capital improvements to Fire Stations 31 and 32, subject to the terms of the Lease. VRFA also seeks to build a new fire station (Station 33) on vacant land currently owned by the City, and subject to the Lease. This Addendum is to clarify the parties' roles and responsibilities for planning, financing, contracting, and construction of these capital improvements. It will also clarify ownership of, and responsibility for, these capital improvements.		
S0504-2 A3.17		
Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input type="checkbox"/> Legal <input type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input type="checkbox"/> Planning <input type="checkbox"/> Police <input checked="" type="checkbox"/> Human Resources </div> </div>
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____ <div style="text-align: right;">Call for Public Hearing ____/____/____</div>		
Councilmember: Backus		Staff: Heineman
Meeting Date: May 4, 2009		Item Number: VIII.B.4

RESOLUTION NO. 4 4 8 2

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, AUTHORIZING
THE MAYOR AND CITY CLERK TO EXECUTE
ADDENDUM NO. 1 TO THE LEASE AGREEMENT
FOR USE OF CITY OWNED PROPERTY BETWEEN
THE CITY OF AUBURN AND THE VALLEY
REGIONAL FIRE AUTHORITY

WHEREAS, the City and the Valley Regional Fire Authority ("VFRA") entered into a Lease Agreement for Use of City Owned Property ("Lease"), on dated August 18, 2008, as authorized under City of Auburn Resolution No. 4390; and

WHEREAS, the VRFA, as part of its Capital Improvement Plan, intends to make capital improvements to Fire Stations 31 and 32, subject to the terms of the Lease, and VRFA also seeks to build a new fire station (Station 33) on vacant land currently owned by the City, and subject to the Lease; and

WHEREAS the City and the VFRA wish to enter into an addendum to the Lease to clarify the parties' roles and responsibilities for planning, financing, contracting, and construction of these capital improvements, and to clarify ownership of, and responsibility for, these capital improvements.

WHEREAS, it is in the public interest for the parties to enter into a lease addendum,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, KING COUNTY, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. The Mayor of the City of Auburn and the Auburn City Clerk are hereby authorized to execute Addendum No. 1 to the Lease Agreement for Use of City Owned Property Between the City of Auburn and the Valley Regional Fire Authority, entered into on August 18, 2008, as authorized under City of Auburn Resolution No. 4390, which addendum shall be in substantial conformity with Addendum No. 1 to the Lease Agreement for Use of City Owned Property Between the City of Auburn and the Valley Regional Fire Authority attached hereto, marked as Exhibit "A" and incorporated herein by this reference.

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. This resolution shall be in full force and effect upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2009.

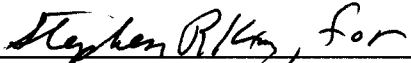
CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

**ADDENDUM NO. 1 TO THE LEASE AGREEMENT FOR USE OF CITY
OWNED PROPERTY BETWEEN THE CITY OF AUBURN AND THE VALLEY
REGIONAL FIRE AUTHORITY**

This Addendum to the LEASE AGREEMENT FOR USE OF CITY OWNED PROPERTY (the "Lease") is made as of this 27th day of April 2009, between the VALLEY REGIONAL FIRE AUTHORITY, a Washington municipal corporation (the "VRFA") and the CITY OF AUBURN, a Washington municipal corporation, (the "City").

The City and the VRFA entered into that certain Lease dated August 18, 2008, as authorized under City of Auburn Resolution No. 4390, for use of the Fire Stations. For the purpose of this Addendum, all terms defined in the Lease have the same meaning in this Addendum.

WHEREAS the VRFA, as part of its Capital Improvement Plan, intends to make capital improvements to Fire Stations 31 and 32, subject to the terms of the Lease. VRFA also seeks to build a new fire station (Station 33) on vacant land currently owned by the City, and subject to the Lease.

WHEREAS this Addendum is to clarify the parties' roles and responsibilities for planning, financing, contracting, and construction of these capital improvements. It will also clarify ownership of, and responsibility for, these capital improvements.

ITEM ONE NEW SECTION ADDED TO LEASE: That the Lease is amended by the addition of a new section 27 to read as follows:

27. Capital Improvements.

- a. **Responsibility.** The VRFA shall be solely responsible for all planning, financing, and contracting for capital improvements.
- b. **Approval.** Any proposed improvements shall be coordinated with, and approved in writing by the City's Facility Management office prior to the beginning of construction.
- c. **Ownership.** All capital improvements shall become property of the City.
- d. **Maintenance.** Maintenance of improvements shall be as set forth in *Section 8. Maintenance, Cleaning, Repair and Utilities* of the body of the Lease.
- e. **Right of Way.** The City will dedicate such City property for right-of-way "ROW" purposes, as it determines is necessary to complete the improvements approved under Section 27(b) above, and will grant such utility easements as it determines are necessary to complete said improvements.

- f. **Mitigation.** In the event that mitigation is required under the State Environmental Protection Act "SEPA" or the City's Critical Areas Ordinance, the VRFA must negotiate with the City to identify potential property for the mitigation, or the work must happen on-site. The VRFA is responsible for all costs and obligations of mitigation, including but not limited to costs to acquire property for mitigation if necessary.
- g. **ROW Vacation.** The City will vacate such right-of-way as it determines is necessary to complete the improvements approved under Section 27(b), above.
- h. **Permits.** The VRFA shall apply, at its sole cost, to the appropriate governmental authorities or third parties for, and shall diligently pursue and obtain all permits, licenses, permissions, consents, or approvals required in connection with the construction of the improvements. VRFA acknowledges that the City has not made any representation or warranty with respect to VRFA's ability to obtain any permit or approval, or to meet any other requirements for development of the project. Nothing in this Agreement is intended or shall be construed to require that the City exercise its discretionary authority under its regulatory ordinances to further the project nor binds the City to do so. VRFA understands that the City will process applications for permits and approvals in accordance with its normal processes.

ITEM TWO REMAINING TERMS UNCHANGED: That all other provisions of the LEASE AGREEMENT FOR USE OF CITY OWNED PROPERTY executed on the 18th day of August, 2008, shall remain unchanged and in full force and effect.

Entered into on the dates signed below:

CITY OF AUBURN

VALLEY REGIONAL FIRE
AUTHORITY

Peter B. Lewis, Mayor Date

Eric Robertson, Administrator Date

Approved as to form:

Approved as to form:

Stephen R/Kg, for

City Attorney Date

Date